

Central Valley Regional Water Quality Control Board

10 September 2015

NOTICE OF VIOLATION

James Anderson, General Manager
Malaga County Water District
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Fresno, CA 93725

CERTIFIED MAIL
7013 2630 0001 5236 1426

PRETREATMENT COMPLIANCE INSPECTION VIOLATIONS, MALAGA COUNTY WATER DISTRICT, WASTEWATER TREATMENT FACILITY, WDID 5D100124001, NPDES NO. CA0084239, RM 402804, FRESNO COUNTY

On 25-26 March 2015, staff from PG Environmental, LLC, a contractor of the United States Environmental Protection Agency, and Central Valley Water Board staff conducted a Pretreatment Compliance Inspection (PCI) of the Malaga County Water District (District). The PCI Summary Report (Report) identifies several significant pretreatment program deficiencies identified during the inspection. These deficiencies constitute violations or threatened violation by the District of 40 CFR Part 403 and the District's previous Waste Discharge Requirements (WDR) Order R5-2008-0033 (Section VI.A.2.g and Section VI.C.5.a) and/or current WDR Order R5-2014-0145 (Section VI.A.2.g and Section VI.C.5.a). The PCI Summary Report is enclosed.

This Notice of Violation (NOV) is issued to Malaga County Water District (Malaga) pursuant to California Water Code section 13385, for violations of WDR Order Nos. R5-2008-0033 (NPDES Permit No. CA0084239) and R5-2014-0145, (NPDES Permit No. CA0084239), adopted by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) on 14 March 2008 and 4 December 2014, respectively.

Specifically, the following violations or threatened violations (and relevant Code section) are described in the Report by the recommendations in Section 10.1, the numbers for which correspond to the violation numbers below:

- 1) Failure to receive approval from the Central Valley Regional Water Board for substantial sewer use ordinance (SUO) modification prior to implementing the SUO. 40 CFR 403.18(c)
- 2) Failure to identify and publish notice of significant noncompliance by (a) significant industrial user(s) (SIUs) in (a) newspaper(s) of general circulation. 40 CFR 403.8(f)(2)(viii)
- 3) Failure to develop technically-based local limits and ensure that the limits are enforced and continually developed as necessary. 40 CFR 403.5(c)

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

- 4) Failure to ensure and document that permits are provided to the industrial users prior to the effective date. 40 CFR 403.8(f)(1)(iii)(B)(1)
- 5) Failure to include sampling locations in control mechanisms. 40 CFR 403.8(f)(1)(iii)(B)(4)
- 6) Failure to include effluent limits in permits. 40 CFR 403.8(f)(1)(iii)(B)(3)
- 7) Failure to include the correct sampling type for flow and the appropriate sampling frequency for each parameter in the SIU permits. 40 CFR 403.8(f)(1)(iii)(B)(4)
- 8) Failure to ensure that local limits are technically-based and that the method in which they are applied is also technically derived. Failure to include the method in which the local limits are to be applied in the SIU permits so that the industrial users are aware of applicable effluent limitations. 40 CFR 403.8(f)(1)(iii)(B)(3)
- 9) Failure to include the prohibition of bypass in industrial user permits. 40 CFR 403.17(a-c)
- 10) Failure to notify each SIU of its status as such and of all requirements applicable to it as a result of such status. 40 CFR 403.8(f)(2)(iii)
- 11) Failure to collect and analyze samples at each of the SIUs at least annually. 40 CFR 403.8(f)(2)(v).
- 12) Failure to inspect each SIU at least once a year. 40 CFR 403.8(f)(2)(v)
- 13) Failure to evaluate the operating conditions of the effluent quality probes to ensure that representative wastewater samples are being collected. 40 CFR 403.12(b)(5)(ii)
- 14) Failure to ensure that it identifies a sampling location that is both representative of each facility's daily process operations and is located downstream of the facility's oil and water separator, but prior to where mixing with other waste streams would occur. 40 CFR 403.12(b)(5)(ii) and (iv)
- 15) Failure to ensure that a permittee's compliance monitoring is representative of the daily wastewater generating and discharge operations at the facility. 40 CFR 403.12(b)(5)(ii)
- 16) Failure to ensure that District compliance monitoring is representative of the wastewater generated at the permittee's facility. 40 CFR 403.12(b)(5)(ii)
- 17) Failure to ensure that permittees properly maintain pretreatment systems. 40 CFR 403.12(b)(5)(ii)
- 18) Failure to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with 40 CFR 403.12 (Occurrence 1). 40 CFR 403.8(f)(2)(iv)

- 19) Failure to receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with 40 CFR 403.12 (Occurrence 2). 40 CFR 403.8(f)(2)(iv)
- 20) Failure to evaluate whether each SIU needs a plan or other action to control slug discharges. 40 CFR 403.8(f)(2)(vi)
- 21) Failure to develop and implement District's enforcement response plan in accordance with federal regulations. 40 CFR 403.8(f)(5)

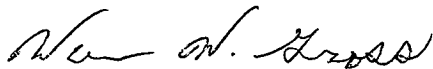
Refer to Report Section 10.1 (and references therein) for more detail on each numbered violation above.

Section 10.2 (Recommendations) of the Report contains 16 recommendations that Central Valley Water Board staff strongly recommends the District carefully consider. Each recommendation includes a reference to a section of the report where detailed findings pertinent to each recommendation may be found. In addition, several of the requirements associated with the above violations include recommendations for improving the strength of the District's pretreatment program. Central Valley Water Board staff strongly suggests the District carefully consider those recommendations.

By **26 October 2015**, submit a written description of the measures the District has implemented or will implement to resolve the above violations and in response to the requirements and recommendations in Section 10 of the PCI Summary Report. Include a proposed schedule for implementation of changes in the District's pretreatment program for each requirement and (as applicable) for each recommendation.

Failure to comply with WDRs Order No. R5-2008-0033 and R5-2014-0145 subjects Malaga to civil liability of up to \$10,000 per day pursuant to Water Code section 13385 for each violation.

If you have any questions regarding this matter, please contact me at (559) 445-5128 or at Warren.Gross@waterboards.ca.gov.



WARREN W. GROSS
Senior Engineering Geologist

Enclosure: 2015 PCI Summary Report

cc: Charles Garabedian, Malaga County Water District
Neal Costanzo, Costanzo & Associates, Fresno
Amelia Whitson, USEPA Region IX, WTR-7, San Francisco (via email)
Russell Norman, State Water Resources Control Board, DWQ, Sacramento (via email)